

ARTICLE 8

ADDITIONAL REGULATIONS AND STANDARDS

PART 0 GENERAL PROVISIONS

8-001 General Purpose and Intent

The standards and regulations contained in this Article are supplemental to the regulations, including use limitations, found in Article 2, General Regulations, and Articles 3-7, Zoning District Regulations and Special and Overlay Zoning District Regulations, of this Ordinance. The regulations that follow include the general additional standards for all special exception and special permit uses. This Article also sets forth additional regulations and standards for specified individual categories of uses and individual uses allowed in a zoning district.

8-002 Categories of Additional Regulations and Requirements

This Article contains thirteen Parts:

- PART 1 Additional Regulations for Special Exception, Special Permit and Other Specified Uses
- PART 2 Additional Standards and Regulations for Site Plans
- PART 3 Private Streets
- PART 4 Off-Street Parking and Loading
- PART 5 Signs
- PART 6 Performance Standards
- PART 7 Accessory Uses and Structures
- PART 8 Home Occupations
- PART 9 Temporary Uses
- PART 10 Non-conformities and Substandard Subdivisions
- PART 11 Telecommunications Ordinance
- PART 12 Tree Canopy, Landscape and Buffer Requirements
- PART 13 Outdoor Lighting Control
- PART 14 Public Water, Sewer, and Central Water System Requirements

PART 1 8-100 ADDITIONAL REGULATIONS FOR SPECIFIC USES

8-101 Applicability

Part 1 of Article 8 sets forth general standards for special exception and special permit uses and additional regulations, standards and requirements for specified categories of uses and for individual uses within these categories. These regulations supplement the general use limitations found in Articles 3, 4, 5, 6, and 7 that are applicable to these Zoning Districts.

8-102 General Standards for Special Exceptions and Special Permits

In addition to the regulations, standards and use limitations presented in this Article and elsewhere in the Ordinance, all uses requiring a special exception or special permit shall also satisfy the following general standards:

1. The proposed use shall be in accordance with the applicable provisions of the Comprehensive Plan and the regulations for the zoning district.
2. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties.
3. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.
5. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
6. **The proposed use shall be adequately served by facilities deemed essential by the Board or BZA, including but not**

limited to public safety services, roads, water and wastewater.

7. The future impact of the proposed use will be considered and the establishment of a time limit on the permit may be deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.
8. Except as provided **elsewhere in this Ordinance**, all uses shall comply with the lot size, bulk regulations and performance standards in which located.
9. The BZA and Board shall stipulate, where appropriate, conditions and restrictions in the granting of special permits and special exceptions respectively to assure the use will be compatible with the neighborhood in which it is to be located and will meet the standard contained herein; or where that cannot be accomplished, **the BZA and Board shall** deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development allowed by right in the area.

8-103 Additional Standards for Residential Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. **Efficiency Apartment**
 - A. Such a unit shall not be occupied by more than two persons.
 - B. Not more than one such unit shall be located on a lot.
 - C. Such a unit shall contain no more than 600 square feet of gross floor area or 25% of the total gross floor of the **principal** dwelling, whichever is greater.

- D. Such a unit shall be located only on the same lot as the residence of the owner of the lot.
- E. Architectural features of such a unit shall conform with the single family character of the neighborhood (e.g., no additional front doors).

2. **Family Apartment/Dwelling Unit**

- A. Such a unit shall not be occupied by more than three persons, at least one of which must be the natural or adopted parent, grandparent, child, grandchild, brother or sister of the owner and occupant of the single family residence on the same lot.
- B. Such a unit shall contain no more than **1200** square feet of gross floor area, **or 25% of the total gross floor area of the principal dwelling, whichever is greater.**
- C. No dwelling units other than the principal structure (a single family dwelling) and one such family apartment shall be located on **a single** lot.
- D. When such a unit is no longer needed by a member of the owner's family and the two year period has expired, the unit can be considered a nonconforming use and as such can be rented to anyone.

3. **Duplex Dwellings**

- A. Such a structure shall not be located on a lot smaller than twice the minimum lot size for conventional developments in the zoning district wherein the lot is located.

4. **Manufactured Dwellings in Other than the Rural Zoning Districts and in Manufactured Dwelling Park Districts**

- A. The applicant for the zoning permit must be the owner of record **of the lot.**

- B. The main body (living area) of the structure shall be not less than **16** feet in width as measured at the narrowest point.
- C. The side of the building most nearly parallel to the appurtenant street (including a fully enclosed garage, not a carport) shall be not less than 30 feet.
- D. The tongue, trailer hitch and any other visible transportation appurtenances shall be removed.
- E. A foundation wall which forms a complete enclosure directly beneath the exterior walls shall be constructed in accordance with County Code requirements for foundations.
- F. The main roof shall have a pitch of not less than 2 1/2:12 and shall be covered with shingles of a type commonly used on site built dwellings.

8-104 Additional Standards for Residential Businesses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Auto Repair Garages

- A. **The garage and associated activity shall be located on the same lot as the bona fide residence of the proprietor of the business.**
- B. There shall be no more than two employees and all employees must reside on the lot.
- C. The work area and all vehicles in excess of two shall be located in a completely screened area and shall not be in any required yard.
- D. A minimum of two acres shall be required.
- E. There shall be a maximum of four vehicles on the property at any one time.

2. Cottage Industries

- A. Such uses shall be limited to those listed as permitted home occupations in Section 8-802 of this Article. Such uses may also include production of products requiring trade skills such as carpentry, plumbing, electrical and printing.
- B. A cottage industry shall be conducted on the same lot as contains the bona fide residence of the proprietor of same business.
- C. Not more than two persons, other than bona fide residents of the site, shall be engaged in the operation of the business, including part-time employees.
- D. Such a use shall be conducted within the dwelling of the proprietor or within a separate structure, **size of which shall not exceed 1,000 square feet or 50% of the principal dwelling, whichever is greater.**
- E. Except for articles produced or substantially repaired on the premises, no stock in trade shall be displayed, stored or sold on the premises. "Substantially repaired" shall be deemed to include only repairs adding 100% to the value of an article.
- F. No outside storage, display or sales of equipment, materials or stock in trade related to the business shall be allowed.
- G. Signs shall be limited to those allowed for home occupations in the zoning district where located.
- H. Off-street parking and loading for the use shall be in accordance with the provisions of Part 4 of this Article, shall be in addition to that required for the dwelling unit and shall not be located on any required yard.

3. Home Occupations with No Retail Sales/Services

- A. Such uses shall be limited to permitted home occupations listed in Section 8-802 of this Article.

- B. All public contact related to such a use shall be limited to the period between **7:00** A.M. and 8:00 P.M.
- C. Signs shall be limited to those allowed for home occupations in the zoning district where located.
- D. All uses shall adhere to the use limitations for home occupations set forth in Section 8-804 of this Article.

4. Home Occupations with Retail Sales and Services

- A. Such use shall be limited to those permitted home occupations listed in Section 8-802 of this Article.
- B. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.
- C. Off-street parking for the use shall be provided in accordance with the provisions of Part 4 of this Article, shall be in addition to that required for the dwelling unit and shall not be located in any required front yard.
- D. Signs shall be limited to those allowed for home occupations in the zoning district where located.
- E. Such use shall adhere to the use limitations for home occupations set forth in Section 8-804, except that in the Rural and Residential Zoning Districts retail sales shall be limited to those items produced on the site unless the BZA approves the sale of items produced by other off site home occupations. However, all products produced off-site shall be incidental to those produced on-site.

5. Small Contracting Businesses

- A. The minimum lot size requirement shall be five acres.
- B. All off-street parking and loading spaces, storage and loading areas, storage and structures which are

related to such use shall be located not less than 50 feet from any lot line.

- C. Not more than five persons shall be engaged in the on-site operation of the business.
- D. Not more than five vehicles in excess of 3/4 tons and/or pieces of equipment shall be operated from the site or stored there overnight.
- E. The area covered by all structures used in connection with such a use shall not exceed a total of five 5,000 square feet.
- F. The area covered by any outdoor storage in connection with such a use shall not exceed a total of 5,000 square feet.
- G. All parking, loading and open storage shall be effectively screened from view.

8-105 Bed and Breakfast

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Bed and Breakfast

- A. Such a use shall provide accommodations for not more than 12 persons.
- B. Off-street parking for the use shall be in accordance with the provisions of Part 4 of this Article, shall not be located in any required front yard, and shall be effectively screened.
- C. In Residential and Rural Zoning Districts, structures used as a bed and breakfast shall have the exterior appearance of a single family residence and normal residential accessory structures.

8-106 Community Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. All Community Uses

- A. No off-street parking or loading spaces shall be located within any required yard or within 25 feet of any lot line in any Rural or Residential District.
- B. In all Residential and in the RR-2 District, all off-street parking and loading areas and all swimming pools and tennis courts shall be effectively screened.
- C. No community uses shall be operated on a profit-making basis, and the owner of the facility shall be a nonprofit organization or governmental agency.

8-107 Educational Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Standards for All Educational Uses

- A. All off-street parking and loading areas, swimming pools and tennis courts and similar facilities shall be effectively screened and shall not be located in any required yard in all Residential and Rural Districts.
- B. Dormitories or other residential facilities accommodating more than 100 residents shall be located not less than 100 feet from any side or rear lot line.
- C. Dormitories or other residential facilities must be sanctioned or operated by the educational institution which the facility serves.

2. College/university

- A. No structure used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in a Residential or Rural District.

3. **Pre-School/Day Care Center/Nursery School**

A. **The school or center shall conform with all applicable Commonwealth of Virginia standards for required recreation areas.** In addition to complying with the minimum lot size requirements of the zoning district in which the school is located the minimum lot size shall be such that at least 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time **an** application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited to:

1. That area not covered by buildings or required off-street parking spaces.
2. That area outside the limits of the required front yard.
3. Only that area which is developable for active outdoor recreation purposes.

B. All outdoor recreation area shall be fully fenced.

C. In the R-2 and R-4 zoning districts, such a use shall:

1. Serve no more than ten children at any one time unless **the site** is served by a local collector street that is not internal to a platted subdivision or is served by a major collector street or higher.
2. Be no closer than 100 feet to existing adjacent residential uses.
3. Operate only during the period from 6:00 A.M. until 9:00 P.M. unless the BZA determines these hours of operation will cause an adverse effect on the neighborhood. Upon such a finding the BZA **may** impose more stringent hours of operation.

- D. In the I-1 and I-2 zoning districts the use must be associated with a principal industrial use and **25% of the day care/school membership must come from and support the employees from the principal industrial uses.**

3. **Primary School/Secondary/Advanced Schools and Schools of Special/Technical Education (Indoor)**

- A. No structure used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in a Residential or Rural District.
- B. **The school shall conform with all applicable Commonwealth of Virginia standards for required recreation areas.** However, in addition to complying with the minimum lot size requirements of the zoning district in which the school is located, the minimum lot size shall be such that at least 200 square feet of usable outdoor recreation area shall be provided for each child in grades kindergarten through three that may use the space at any one time, and 430 square feet of usable outdoor recreation area shall be provided for each child in grades four through twelve that may use the space at any one time. Such usable outdoor recreation shall be delineated on a plat submitted at the time **an** application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited to:
 - 1. That area not covered by buildings or required off-street parking spaces.
 - 2. That area outside the limits of the required front yard.
 - 3. Only that area which is developable for active outdoor recreation purposes.
- C. All outdoor recreation areas shall be fully fenced.
- D. The following standards shall apply to primary and secondary/advanced schools in Residential Zoning Districts:

1. Minimum lot size shall be five acres.
2. In addition to complying with the lighting standards of **Parts 6 and 13** of this Article, all exterior lighting shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare.

5. Schools of Special/Technical Education (Outdoor)

- A. No structure used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in a Residential or Rural District.
- B. The minimum lot size requirements shall be five acres.
- C. **In approving a special exception or special permit, the Board or BZA may impose appropriate conditions to address safety and mitigate such factors as noise, vibration, dust and appearance.**

8-108 Institutional Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Standards for All Institutional Uses

- A. No off-street parking or loading area shall be located within any required yard or within 25 feet of any lot line in or adjoining a Residential or Rural District.

2. Medical and Continuing Care Facilities

- A. The proposed use including all structures, roads and landscaping shall be sited, designed and constructed in a manner which minimizes the impact of the development on the neighborhood and the County. The scale and design of the physical facilities shall be such that the appearance of the project will be visually harmonious and consistent with the adjoining neighborhoods and/or community.

- B. Site planning shall minimize adverse impacts on floodplains, wetlands, steep slopes, and prime agriculture and forestal land. In planning the development, the applicant shall consider prominent on-site geographic features such as outstanding trees and tree lines, stone walls, open fields within the public view shed, ridgelines, hilltops and historic sites and shall preserve such existing features to the greatest extent possible.
- C. No structure used for or in conjunction with such use shall be located closer than 100 feet to any lot line in any Residential or Rural District.
- D. No such use shall be established in any area until the Fauquier County Emergency Coordinator has determined that adequate emergency medical service and fire protection is available.
- E. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
- F. The location for continuing care facilities shall be convenient to shopping, social, educational and cultural uses.
- G. No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Social Services, the Virginia Department of Health, and other such appropriate local, Commonwealth of Virginia and federal agencies which may have authority in a particular case.
- H. All off-street parking and loading areas shall be effectively screened in any Residential or Rural District.
- I. Minimum parcel size for a continuing care facility is 100 acres.

3. Monastery, Retreat or Similar Religious Facilities

- A. No structure used for or in conjunction with the use shall be located within 100 feet of any lot line.
- B. All parking and loading areas, swimming pools and tennis courts shall be effectively screened.
- C. The minimum lot size requirement shall be ten acres.

4. Places of Worship

- A. **Additional uses**, such as schools and athletic facilities proposed in conjunction with places of worship shall be subject to regulations applicable to such use.

5. Residential Care Facilities

- A. Residential care facilities shall be located and site planning accomplished in order to minimize the adverse impacts on the character and social structure of existing neighborhoods.
- B. A maximum number of residents shall be established when a permit for a residential care facility is granted. This limitation shall be based upon, but not limited to, the following considerations:
 - 1. The size of the structure and of the site.
 - 2. Location and size of other similar facilities in the neighborhood.
 - 3. The density **and type of uses** allowed and existing in the area.
- C. In addition to the minimum lot size requirements of the zoning district in which located **and applicable Commonwealth of Virginia recreational requirements**, the minimum lot area for a residential care facility shall be of such size that:
 - 1. 300 square feet of usable outdoor recreation area shall be provided for each resident 17 years of age and younger.

2. 150 square feet of usable outdoor recreation area shall be provided for each resident 18 years of age and older. Such usable outdoor recreation area shall be delineated on a plat submitted at the time **an** application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited to:
 - a. That area not covered by buildings or required off-street parking spaces.
 - b. That area outside the limits of the required front yard.
 - c. Only that area which is developable for active outdoor recreation purposes.

8-109 Adaptive Uses

Adaptive uses **encompass** the use of a dwelling constructed prior to 1940 for uses other than as a detached, single family dwelling. The following adaptive uses may be approved by special permit pursuant to at a minimum the standards in paragraph 2 below:

- A. Art and craft galleries
- B. Inn or boarding house
- C. Multi-family uses
- D. Offices
- E. Restaurants
- F. Retail shops

1. Standards for All Adaptive Uses

The following standards and regulations are applicable to all adaptive uses and are in addition to the general standards listed in Section 8-102 above.

- A. Adaptive uses shall be permitted only in those instances in which the continuation of the existing use is impossible or impractical and where the proposed use is not inconsistent with existing uses in the area.
- B. Such uses shall be permitted only in structures existing prior to 1940. No alteration to a residential structure or dependency containing an adaptive use shall alter the exterior appearance of the structure from that of a dwelling or normal residential accessory structure.
- C. No off-street parking or loading space shall be located in any required side or rear yard that abuts a Residential District. No more than three parking spaces shall be located in any required front yard unless specifically provided for in granting the permit based on a finding that such parking will not adversely affect the character of the surrounding residential area.
- D. All open off-street parking and loading areas that abut a Residential District shall be effectively screened.
- E. No goods or items offered for sale shall be displayed or stored outdoors.
- F. A thirty percent (30%) increase in square footage shall be permitted in accessory additions or structures which are on the same property to the principal structure which are compatible in size and appearance.

8-110 Recreation and Amusement Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. General Standard for all Recreation and Amusement Uses

- A. No off-street parking or loading space shall be located within 50 feet of any adjoining property which is in a Residential District.

2. Baseball Hitting and Archery Ranges

- A. The minimum lot size requirement shall be **one** acre.
- B. No structure used in connection with the use shall be located closer than **50** feet to any lot line.

3. Bowling Alley

- A. Such use shall be conducted in a completely enclosed, air-conditioned, soundproofed building.

4. Camps and Recreation Grounds, Lodges, Resorts and Tent Campground

- A. The minimum lot size requirement shall be **ten** acres.
- B. No structure, campsite or athletic facility in camps and recreation grounds, lodges and resorts shall be located closer than **50** feet to any lot line. No structure or campsite in a tent campground shall be located closer than 100 feet to any lot line.
- C. Travel trailers and other residential vehicles are not allowed in tent campgrounds.
- D. In tent campgrounds the only permanent structure allowed for residential use will be occupied by the resident owner or manager.
- E. A tent campground shall have direct access by means of a travel-way 20 feet in width to a road currently maintained by the Commonwealth of Virginia.

5. Commercial Hunting or Fishing Preserves

- A. Appropriate noise and safety buffers shall be provided based on the nature and intensity of the use.

6. Country Club/Golf Course, Public or Private

- A. The minimum lot size requirement shall be **100** acres.
- B. No structure used in connection with the use shall be located closer than 50 feet to any lot line.

7. Dance Hall

- A. The dance hall shall be in a completely enclosed, air-conditioned and soundproofed building.

8. Outdoor Theater

- A. The minimum lot size requirement shall be five acres.
- B. No structure used for or in conjunction with the use shall be located within 200 feet of any adjoining property which is in a Residential District.
- C. **The site plan application shall include for review and approval, a lighting plan that minimizes off-site lighting and projection screen intrusion on adjacent properties and roads.**

9. Equestrian Facilities, Including Boarding and Instruction (Non-Spectator)

- A. No facilities or activities intended for spectators are allowed.
- B. The minimum lot size requirement shall be five acres.
- C. No structure associated with a riding or boarding stable or indoor riding facility shall be located closer than 100 feet to any lot line.

10. Equestrian Facilities, Including Boarding and Instruction (Spectator Uses)

- A. The minimum lot size requirement shall be ten

acres.

- B. No structure, riding ring, or course, spectator facility or parking area shall be located closer than 100 feet to any lot line.

11. Field Events and Activities-Class A

- A. No Class A event or activity shall have more than 50,000 cumulative attendees per event. No Class A event or activity shall exceed three days in length. No special exception shall be granted allowing more than nine Class A events or activities on the property subject to the special exception in any one calendar year. Class A events in excess of nine per year or lasting more than three days shall require special **exception** approval for each event.
- B. Sites eligible for Class A events shall contain a minimum of 200 acres and have a minimum of 2,000 feet of frontage on a road designated by the County as a major collector or higher. Notwithstanding anything to the contrary contained in this paragraph, the Board may approve a special exception on a site of less than 200 acres or less than 2,000 feet of frontage or on a road classified less than major collector upon findings that less restrictive standards do not negatively impact any other general or specific standards contained in this Article for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.
- C. Vehicular racing, commercial horse racing and permanent horse training stables shall not be permitted. Commercial horse racing is defined as a permanent horse racing track with permanent covered seating and which is operated for ten consecutive days or more at a time. Permanent horse stables are defined as any stable regularly used for the exercise of horses used in commercial racing.
- D. Field sports are those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or area

for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and the disciplines of Triathlon, Pentathlon and Decathlon.

- E. No structure shall be located closer than 100 feet to any lot line.
- F. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class A event or activity. At least 30 days prior to holding a Class A event the holder of the special exception for the property upon which a Class A event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:
 - Fauquier County Sheriff's Office
 - Virginia Department of Transportation
 - Fauquier County Emergency Services Coordinator
 - Fauquier County Health Department
- G. All requirements of the Fauquier County Code, including this Ordinance, which pertain to limitations and exhibitions on noise **and lighting** in the applicable zoning districts shall be complied with by the holder of the special exception.
- H. Any retail sales conducted on the property shall either be (a) accessory to and incidental to the permitted activity or (b) conducted by and for the benefit of nonprofit, tax exempt organizations whose principal offices are located within the County. At least 30 days prior to holding a Class A event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual,

group association, partnership or corporation which is expected to conduct retail sales at the event.

12. Field Events and Activities-Class B

- A. No Class B field event or activity shall have more than 5,000 cumulative attendees per event. No special exception shall be granted allowing more than 12 events in any one calendar year. No Class B event shall exceed three days in length. Class B events having greater than 5,000 attendees or in excess of 12 events per year or lasting more than three days shall require special exception approval for such event.
- B. Sites eligible for Class B events and activities shall contain a minimum of 100 acres and have a minimum of 500 feet of frontage on a road designated by the County as a major collector or higher. Notwithstanding anything to the contrary contained in this paragraph, the Board of Supervisors may approve a special exception on a site of less than 100 acres or less than 500 feet of frontage or on a road classified less than major collector upon findings that less restrictive standards do not negatively impact any other general or specific standard contained in this Article for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.
- C. Vehicular racing, commercial horse racing and permanent horse training stables shall not be permitted. Commercial horse racing is defined as a permanent horse racing track with permanent covered seating and which is operated for ten consecutive days or more at a time. Permanent horse stables are defined as any stable regularly used for the exercise of horses used in commercial racing.
- D. Field sports are those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or arena for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying,

fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and disciplines of Triathlon, Pentathlon and Decathlon.

- E. No structure shall be located closer than 100 feet to any lot line.
- F. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class B event or activity. At least 30 days prior to holding a Class B event the holder of the special exception for the property upon which a Class B event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for the size and the type of the event or activity to be held:
 - Fauquier County Sheriff's Office
 - Virginia Department of Transportation
 - Fauquier County Emergency Services Coordinator
 - Fauquier County Health Department
- G. All requirements of the Fauquier County Code, including this ordinance, which pertain to limitations and prohibitions on noise and **lighting** in the applicable zoning districts shall be complied with by the holder of the special exception.
- H. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of a nonprofit, tax exempt organization. At least 30 days prior to holding a Class B event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group, association, partnership or corporation which is expected to conduct retail sales at the event.

13. Field Events and Activities-Class C

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- A. No Class C field event or activity shall have more than 1,000 cumulative attendees per event and no Class C event shall exceed three days in length. Class C events that have more than 1,000 attendees or last more than three days shall require special permit approval for each event.
- B. Sites eligible for Class C events and activities shall contain a minimum of 50 acres and have a minimum of 300 feet of frontage on a road designated by the County as a major collector or higher. Notwithstanding anything to the contrary contained in this paragraph, the **BZA** may approve a special **permit** on a site of less than 50 acres or less than 300 feet of frontage or on a road classified less than major collector upon findings that less restrictive standards do not negatively impact any other general or specific standard contained in this Article for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.
- C. Field sports and those outdoor sports activities which may be conducted on or within open field areas without the use of an enclosed stadium or arena for spectators such as cross country running, track and field, soccer, football, frisbee, kite flying, fly casting, field hockey, rugby, hot air ballooning, softball, golf ball driving, dog trials and the disciplines of Triathlon, Pentathlon and Decathlon.
- D. No structure shall be located closer than 100 feet to any lot line.
- E. The special **permit** holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class C event or activity. At least 30 days prior to holding a Class C event the holder of the special exception for the property upon which a Class C event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services and on-site sanitary and refreshment facilities are adequate for

the size and the type of the event or activity to be held (Class C events that have less than 300 attendees are not required to provide written notice to the Zoning Administrator):

Fauquier County Sheriff's Office
Virginia Department of Transportation
Fauquier County Emergency Services
Coordinator
Fauquier County Health Department

- F. All requirements of the Fauquier County Code, including this Ordinance, which pertain to limitations and prohibitions on noise **and lighting** in the applicable zoning districts shall be complied with by the holder of the special exception.
- G. Any retail sales conducted on the property shall either be (a) accessory and incidental to the permitted activity or (b) conducted by and for the benefit of a nonprofit, tax exempt organization. At least 30 days prior to holding a Class C event the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address and a contact person for each individual, group, association, partnership or corporation which is expected to conduct retail sales at the event.

14. Firing Range, Skeet or Trapshooting Facility (Indoor or Outdoor)

- A. The minimum lot size requirement shall be 50 acres.
- B. No structure used for or in conjunction with the use shall be located closer than 100 feet to any lot line.
- C. The protection of adjacent properties shall be assured by proper design, location and/or orientation of earthworks and firing line(s).
- D. In the consideration of an application for such a use, both safety and noise factors shall be taken into account and appropriate conditions imposed with respect thereto.

- E. No permit shall be issued for such a use until the applicant has furnished evidence that the proposed development meets all applicable Commonwealth of Virginia and County laws.

15. Golf Driving Ranges

- A. No structure used in connection with the use shall be located closer than 50 feet to any lot line.
- B. The minimum lot size requirement shall be five acres.

16. Golf Practice Facility in the Rural Agriculture Zone

- A. The facility shall not be lighted.
- B. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted for the participants of the site.
- C. No structure shall be located closer than 100 feet to any lot line.
- D. The minimum lot size shall be 25 acres.

17. Health Club/Spa

- A. Such uses shall be conducted in completely enclosed, air-conditioned, soundproofed buildings.

18. Pool/Billiards/Amusement Arcade Facility

- A. Such uses shall be conducted in completely enclosed, air-conditioned, soundproofed buildings

19. Private Clubs

- A. No building shall be located closer than **50** feet to any lot line in or abutting a Residential or Rural District.
- B. Off-street parking and loading areas shall be located no less than 25 feet to any property line in or abutting a Residential or Rural District, and when located within such district, shall be effectively screened.
- C. Private club activities shall be conducted in completely enclosed, air-conditioned, soundproofed

buildings unless for special permit uses the BZA finds and for permitted uses the Zoning Administrator finds that this requirement is not necessary for all or a portion of the activities.

20. Skating Rink

- A. Such use shall be conducted in a completely enclosed, air-conditioned, soundproofed building.

21. Swimming/Tennis (Racquet) Facility, Public or Private

- A. The minimum lot size requirement shall be five acres.
- B. No building used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in any Residential District.
- C. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity.
- D. As an accessory to the swimming/tennis(racquet) facility, a fitness center may be located on the site. The fitness center may not exceed twenty-five percent (25%) of the entire facility.

22. Theatre Indoor

- A. Such use shall be conducted in a completely enclosed, air-conditioned, soundproofed building.

23. Travel Trailer Park

- A. The park shall be designed for travel trailers, however both tents and recreational vehicle campers **may** be accommodated within a travel trailer park
- B. Each park shall provide electrical outlets at each individual site, one or more central travel trailer sanitary stations, and toilet and shower facilities.
- C. Accessory commercial uses, such as a coin-operated laundry, a convenience store and entertainment, are

permitted but exclusively for the use of residents of the park

- D. The number of campsites shall not exceed ten per acre.
- E. Each campsite shall contain a minimum of 3,000 square feet.
- F. No structure, campsite or athletic facility shall be located closer than 100 feet to any lot line.
- G. One permanent residential occupancy **may** be allowed for the resident owner or manager; no others may reside in the park for a period exceeding **two** weeks.
- H. The minimum lot size requirement shall be five acres.

8-111 Public and Quasi-Public Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Additional Standards for All Public and Quasi-public Uses

- A. For public uses, **the approving authority for the required permit shall find** that the proposed location of the special permit/special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the **project's** location.
- B. In or abutting the Rural and Residential District, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.

2. Arena/Stadium

- A. The minimum lot size requirement shall be 100 acres.

3. Fairgrounds

- A. The minimum lot size requirement shall be ten acres.
- B. No structure used for or in conjunction with the use shall be located within **50** feet of any adjoining property in a district permitting residential uses.

4. Penal/Correctional Facility

- A. The minimum lot size requirement shall be 100 acres.
- B. No structure used for or in conjunction with the use shall be located within 200 feet of any adjoining property which is in a Residential or the RR-2 District, nor within 100 feet of such property in a Rural District

8-112 Commercial Retail Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Antique Shops

- A. Any building so used shall have the exterior appearance of a single family dwelling and shall be the bona fide residence of the proprietor.
- B. There shall be no outdoor display of goods or merchandise.
- C. Off-street parking and loading areas shall be located no closer than 25 feet to any property line and shall be effectively screened.

2. Retail Sales in Conjunction with Industrial Uses

- A. Retail sales shall be only of goods produced on or off the site may be conducted as part of the primary use.
- B. Retail sales shall represent an activity clearly subordinate to the primary use on the site and shall not involve more than 10% of the gross floor area of the facility or outdoor area involved in the use, if appropriate.

8-113 Commercial Business and Personal Services

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Barber/Beauty Shop in Residential and Rural Zoning Districts

- A. Such uses shall comply with the use limitations **for home occupations** as set forth in Part 8 of this Article.

2. Farm Supply and Service Establishments

- A. All such facilities shall be on land fronting on and with direct access to a road designated as a major collector or higher in the Comprehensive Plan.

3. Funeral Homes

- A. Driveways and/or service drives shall be provided for the forming of funeral processions so as not to impede traffic in the area.

4. Kennels

- A. The minimum lot size requirement shall be two acres.
- B. No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are

completely enclosed, adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area

- C. All dogs shall be kept in pens designed and maintained for secure confinement.
- D. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.
- E. There shall be a maximum of ten dogs per acre.

5. Office, Professional (including clinics) with Not More Than Six Persons Employed

- A. Not more than six persons **shall** be engaged in the operation of the office, including part-time employees and/or professionals.
- B. No retail or wholesale sales or storage shall be conducted on the premises.
- C. The building so used shall have the exterior appearance of a residential structure of a type allowed in the zoning district in which located.
- D. There shall be no lighting of signs **and** parking areas on the premises **except as may be allowed and commonly used in a residential area.**
- E. Such uses in multi-family structures shall be located in end units of townhouse structures or on the lowest floor of other multi-family structures.
- F. Office hours shall be limited to the period between 8:30 A.M. and 8:00 P.M., Monday through Saturday. Offices may open at other times only for emergencies.
- G. Off-street parking for the office shall be provided in accordance with the provisions of Part 4 of this Article. **This parking shall be** in addition to that required for the dwelling units.

- H. In the V, R-1, R-2 and R-4 zoning districts, no off-street parking space shall be located in any required front yard, and all parking spaces accessory to the use shall be screened so that they are not visible from the first story window levels of adjoining property.

6. Veterinary Clinics

- A. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.

8-114 Motor Vehicle Related Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Automobile/Truck Sales, Rental and Service (including motorcycles and recreation vehicles)

- A. Outdoor storage, parking and display areas shall be entirely enclosed on all sides and shall be permitted only on the same lot with and ancillary to a sales room, rental office or service facility.
- B. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
- C. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten feet.
- D. All such uses shall be provided with safe, convenient access to a public street. If any outdoor area is located contiguous to a street, ingress and

egress shall be provided only through driveway openings in the curb or similarly controlled by other means appropriate to the design of the abutting street.

- E. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather, dustless surface.
- F. All lighting fixtures used to illuminate such outdoor areas shall be designed to comply with the standards **for lighting in Parts 6 and 13 of this Article**. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.

2. Farm Equipment Sales, Rental and Service Establishments

- A. Outdoor storage, parking and display areas shall be permitted only on the same lot with the ancillary to a sales room, rental office or service facility, which shall be entirely enclosed on all sides.
- B. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
- C. Notwithstanding the bulk regulations of the zoning district in which located, any such outdoor area that is located on the ground and is open to the sky may be located in any required yard but not nearer to any front lot line than ten feet.
- D. All such uses shall be provided with safe, convenient access to a public street. If any outdoor area is located contiguous to a street, ingress and egress shall be provided only through driveway openings in the curb or similarly controlled by other means appropriate to the design of the abutting street.

- E. All outdoor areas used for parking, storage, loading, display and driveways shall be constructed and maintained with an all-weather dustless surface.
- F. All lighting fixtures used to illuminate such outdoor areas shall be designed to comply with the standards **for lighting in Parts 6 and 13 of this Article**. Such facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.
- G. In Residential and Rural Zoning Districts no parking, storage, loading or display shall be conducted in any required front yard or within 50 feet of any side or rear lot line.

3. Junkyards

- A. No storage shall be located in any required setback (yard).
- B. Such a use shall be located so that it can be effectively screened from all public streets and land located in any Residential or Rural Zoning District and shall be so screened.
- C. Parking and loading areas shall be provided in accordance with the provisions of Part 4 of this Article and shall be suited to the type of business conducted (i.e., wholesale vs. retail).

4. Service Stations

- A. Such uses shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas.
- B. When located in a C-3 Zoning District:
 - 1. Such uses shall be an integral design element of a site plan for a shopping center which contain not less than 30,000 square feet of gross floor area.

2. Such uses shall have no separate and exclusive curb cut access to the abutting highway.
 3. Service stations shall not include any ancillary use such as vehicular or tool rental and shall be limited to the servicing and retail sales of products used primarily by passenger vehicles.
 4. Service stations shall not be used for the performance of major repairs and shall not include the outdoor storage of more than two abandoned, wrecked or inoperable vehicles on the site for more than 72 hours, subject to the limitation that there shall be no dismantling, wrecking, or sale of said vehicles or part(s) thereof. In addition, in no event shall any one abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding 72 hours.
- C. ~~Exterior lighting shall conform to the lighting standards in Parts 6 and 13 of this Article and shall be shielded so that the lighting source is not visible from adjacent properties and public roadways.~~ See Article 8-1300.

5. Vehicle Wash

- A. Such uses shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas.
- B. An applicant for a vehicle wash to be served by a public water system shall present a statement by the water system operator that sufficient water capacity is available.
- C. When located in a C-3 Zoning District:
 1. Such uses shall be an integral design element of a site plan for a shopping center which contains not less than 30,000 square feet of gross floor area.
 2. Such uses shall have no separate and exclusive curb cut access to the abutting highway.

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Auction Establishments in Rural Zoning Districts

- A. The minimum lot size requirement shall be **five** acres.
- B. The road frontage requirement shall be 200 feet on a road designated as a major collector or higher in the Comprehensive Plan.

2. Commercial Storage and Processing of Bulk Agricultural Products in Rural Zoning Districts

- A. The minimum lot size requirement shall be five acres.

3. Livestock Exchanges

- A. The minimum lot size requirement for such uses located in Rural Zoning Districts shall be 25 acres.
- B. The road frontage requirement shall be 300 feet on a road designated as a major collector or higher in the Comprehensive Plan.

8-118 Industrial Uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. General

- A. When allowed, retail sales connected with industrial uses shall be ancillary to the primary use and **the sales area** shall not occupy more than five (5) percent of the gross floor area.

- B. Industrial uses shall not significantly reduce, impede or conflict with neighboring agricultural operation(s).
- C. Industrial uses shall be separated from all property lines a distance appropriate to the size and type of use.

2. Explosives Storage in the RA, I-1 and I-2 Zoning Districts

- A. The storage shall comply with all applicable Federal and Commonwealth of Virginia regulations.
- B. The applicant shall file with the Board of Supervisors annually a Certificate of Insurance which shows that the applicant has adequate liability insurance which liability insurance shall in no case be less than **Five Million (\$5,000,000.00)** Dollars combined single limit for bodily injury and property damage.
- C. Class I magazines shall be used for the storage of explosives when quantities are in excess of 50 pounds of explosive material.
- D. Class II magazines may be used for temporary storage of less than 50 pounds of explosives at the site of blasting operations or where such amount constitutes not more than one day's supply for use in current operations. In no case shall a Class II magazine be used for overnight storage.
- E. An eight foot chain link fence or a six foot chain link fence with three strands of barbed wire around the top shall be provided on all four sides of a Class I magazine, so as to fully encircle a Class I magazine installation. The fence shall have a gate equipped with case-hardened locks and clasps.
- F. Applicants shall be required to obtain an annual inspection by the Commonwealth of Virginia Fire Marshall and shall file annually with the Zoning Administrator a copy of the permit issued by the Commonwealth of Virginia Fire Marshall.

3. Industrial Use in the Rural Zoning Districts

- A. Outdoor activities and storage in conjunction with such uses shall be effectively screened.
- B. No retail sales connected with such use shall be conducted on the premises.
- C. Such a use shall not substantially reduce, impede or conflict with agricultural operations conducted in the vicinity.
- D. Open space shall be provided **on the parcel or parcels** for such uses in the amounts for the following zoning districts:

Rural Agriculture	95%
Rural Conservation	95%
- E. The minimum lot size requirement shall be 200 acres.
- F. New structures shall be compatible with the character of the area.

4. Sawmills in Rural Zoning Districts

- A. A special permit for a sawmill shall not be for longer than two years. The permit may be extended by the Zoning Administrator in accordance with the provisions of Article 9 for successive periods of not more than two years each.
- B. No structure and no storage of lumber, logs and timber shall be located closer than 100 feet to any lot line. No structure housing or enclosing a sawmill shall be located closer than 400 feet to any lot line.
- C. The hours of operation shall be established by the **BZA**, and shall not extend into the period between 8:00 P.M. and 8:00 A.M.
- D. Such use shall have direct access to a Commonwealth of Virginia maintained road adequate to the size and type of the mill.

- E. The minimum area involved with the mill operation, including structures, storage and loading, shall not exceed five acres.
- F. The **BZA** may require such screening, planting, fencing, preservation of trees, entrances, design of structures or any other requirement which will ensure the minimal impact of the use on the surrounding uses.

8-118 Agriculture

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts

- A. The minimum lot size requirement shall be five acres.
- B. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within 50 feet of any lot line.
- C. All birds shall be penned or confined to the site.

2. Biosolids (Class A Sludge) Storage Facility

- A. Required Commonwealth of Virginia Health Department and Department of Environmental Quality approvals shall be required at time of permit application and shall remain in effect throughout the use of the facility.
- B. Unless specifically reduced by the Board for good cause, no such facility shall be located closer than 300 feet to any lot line or closer than 1000 feet to any land not in an Agriculture, Conservation or I-2 zoning district.
- C. Unless specifically reduced by the Board, for good cause shown, the highway entrance to such a

facility shall be located not more than 1000 feet from a major collector, on a secondary road with pavement not less than 20 feet.

- D. Proof of insurance sufficient to protect the public from damage and injury resulting from the hauling, storage or application of sludge shall be required prior to issuance of a Zoning Permit. Required insurance shall remain in effect throughout the period of operation of the facility .
- E. There shall be sufficient land in Fauquier County available upon which to apply to holding capacity of the storage facility within a period of 90 days.
- F. **A statement permitting the County to sample the biosolids shall be required prior to issuance of a Zoning Permit**

3. Biosolids (Class A Sludge) Land Application

- A. All land application shall be accomplished in accordance with the Special Conditions of the Certificate of Approval issued by the Commonwealth of Virginia.

All solids or other wastes shall be so deposited that no harmful components can reach Commonwealth of Virginia waters by natural or other means.

- B. All vehicles on public roads used in the transportation of biosolids for land application in Fauquier County shall be in conformance with all Commonwealth of Virginia Department of Environmental Quality (DEQ) requirements and all other Commonwealth of Virginia and Federal requirements.
- C. Notice shall be given in writing to the Zoning Administrator at least 48 hours prior to applying biosolids to a permitted **site**. A separate notice is required for each permit amendment. Copies of adjacent property owner(s) consent when the otherwise required buffer is not to be maintained shall be filed with the Zoning Administrator 24

hours before land application of biosolids occurs on any particular field within a permitted area. Any change in the spreading location from the above notice shall be given by 9:00 A.M. on the day spreading is to occur.

- D. A statement permitting the County to sample the biosolids shall be required prior to issuance of a Zoning Permit**

4. Community Farmers Market

- A. The minimum lot size shall be ten acres. The requirements of this section shall not preclude the property owner from conducting compatible, permitted uses on the same parcel.
- B. The road frontage requirement shall be 300 feet on a road designated as a major collector or higher in the Comprehensive Plan.
- C. All open off-street parking and loading areas shall be no closer than 25 feet **to** any lot line.
- D. In addition to the allowed farm sign, one temporary, portable sign may be erected of up to **20** square feet in size and six feet in height to advertise hours of operation and products available.
- D. The permitted activity is the use of any tract of land in a rural agriculture zoning district for the retail sales and preparation of agricultural products, horticultural products, aquicultural products, and hand made crafts. Any other retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products shall be accessory and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture, care, use of, or processing of the principal use. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed.

- E. No structure used for or in conjunction with the use shall be located within **150** feet of any adjoining property located in a Residential or Rural Zoning District.
- F. No more than one new structure shall be allowed to be constructed, not to exceed **5,000** square feet in size. However, structures previously existing on the parcel may be converted to a farmers' market use, regardless of size or number, if the **BZA** determines the location, accessibility, and visibility of these structures is appropriate to this use.
- G. All agriculture products, horticultural products, and hand made crafts shall be grown or produced within the Commonwealth of Virginia.

5. Distillation of Industrial Alcohol (Ethanol) in Conjunction with a Farming Operation

- A. All such ethanol shall be used on the farm upon which it is produced.

6. Farms: Dairy, Cattle Feed Lots and Swine Farms

- A. The minimum lot size requirement shall be 25 acres, **however, a smaller parcel may be used provided that it is combined with larger contiguous parcels meeting the minimum lot size.**
- B. Such use shall be conducted only in accordance with a permit issued by Department of Environmental Quality, unless the DEQ has denied jurisdiction of same, in writing.
- C. Adequate protection of the bodies of water into which such a use drains shall be ensured using, as a guide, the Agricultural Best Management Practices Handbook issued by the Commonwealth of Virginia, and reflecting the distance and topography between such a use and downstream water supply impoundments and withdrawal facilities.

7. Farmers Market

- A. The minimum lot size shall be five acres.

- B. In addition to the allowed farm sign, one temporary, portable sign may be erected of up to **20** square feet in size and six feet in height to advertise products available.
- C. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture care, use of, or processing of the principal use. Products such as lawn mowers and tractors shall not be allowed.
- D. A farmer's market shall be conducted on the same lot as contains the bona fide, primary residence of the property owner or lessee.
- E. One structure shall be allowed, size not to exceed 2,500 square feet in size, and shall meet all location requirements for the RA zoning district.

8. Greenhouse/ Plant Nursery with Retail Sales in Rural Zoning Districts

- A. The minimum lot size requirement shall be five acres.
- B. Off-street parking, loading and outdoor storage areas shall be effectively screened.
- C. No sales of power tools, garden vehicles or machinery shall be conducted on the premises.

9. Winery with Special Events, Major and Minor, in the RA, RC, and RR-2 Zoning Districts

- A. **Major events are those with more than 300 attendees, but not more than 2,500 attendees per event, and are limited to two within a calendar year. Minor events are those that having less than 300 attendees per event, and are limited to 15 within a calendar year. (STANDARDS TO BE ADDED)**

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- B. Minimum lot size for major events is 40 acres.
Minimum lot size for minor events is 25 acres.
- C. At least 30 days prior to holding a **major** event, the holder of the special exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address, and a contact person for each individual, group, association, partnership, or corporation which is expected to conduct retail sales at the event.
- D. The holder of a major event shall provide adequate security, emergency services, traffic control, sanitation and refreshment services at every event. At least 30 days prior to holding the event, the holder of the special exception permit for the property on which the event will be held, shall provide to the Zoning Administrator written proof, including copies of any permits or licenses, if required, from the following agencies that control traffic, security, emergency services, and on-site sanitary and refreshment facilities are adequate for the size and type of event:
 - a. Fauquier County Sheriff's Office
 - b. Virginia Department of Transportation
 - c. Fauquier County Emergency Services Coordinator
 - d. Fauquier County Health Department
- E. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity.
- F. No structure used for or in conjunction with this use shall be located within 50 feet of any lot line.

8-119 Extraction

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. General Extraction Standards

- A. No blasting shall be permitted except in conjunction with a permit for stone quarrying.
- B. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at any occupied structure not on quarry property. In addition, the Board may further limit such blasting vibration where in its opinion, the density of population in the area warrants additional protections.
- C. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.
- D. The peak overpressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130decibels) at any occupied structure not on the subject property.
- E. Airborne noise produced from sources other than blasting shall not exceed, at any structure not on the subject property 10dB(A) above the ambient in residential districts and/or 16dB(A) in commercial districts.
- F. Surface or groundwater pollution or contamination or the potential therefore shall not be allowed. Groundwater withdrawal or other activity shall not cause a significant depletion of groundwater in the area.

2. Additional Standards for Extraction Uses in Rural Zoning Districts

- A. The minimum lot size requirement shall be **50** acres.

- B. Sales and distribution shall be predominantly of materials extracted on-site.
- C. No activity, use, facilities, equipment, structure or storage, with the exception of offices, shall be located within 300 feet of any lot line.
- D. Offices, including only those buildings devoted solely to office/administrative uses, shall be located not less than 100 feet from any lot line.
- E. All operations shall be limited to the period between 8:00 A.M. and 8:00 P.M. or such period as established by the Board.
- F. Such use shall have direct access to a Commonwealth of Virginia maintained road adequate to the size and type of use.
- G. The Board may require such screening, planting, fencing, preservation of trees, construction of berms, entrances or other requirement which will ensure the minimal impact of the use or the surrounding uses including the use of public roads in the vicinity.

8-120 Public utilities

Except for public utilities regulated by the Commonwealth of Virginia's State Corporation Commission regulations, the following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Standards for All Public Utility Uses

- A. Public utility uses shall not be required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located, however, such requirements may be established in the conditions under which such a special permit or special exception is granted.
- B. No land or building in any district other than the Industrial Districts shall be used for the storage of

materials or equipment, or for the repair or servicing of vehicles or equipment or for the parking of vehicles, except those needed by employees connected with the operation of the immediate facility.

- C. In all zoning districts, other than the I-2 District, all equipment, machinery and facilities not located within an enclosed building shall be effectively screened.
- D. If the proposed location of a public utility use is in a Residential District **the approving authority for the required permit shall find** that there is not a more suitable site available for such use in a Commercial or Industrial District. However, in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a Commercial or Industrial District within distance of one mile, unless there is a substantial showing that it is impractical for satisfactory service to be rendered from an available location in such Commercial or Industrial District.
- E. **Telecommunications uses and structures, including telecommunications towers and monopoles and antennas, shall be subject to all performance standards and regulations contained to Part 11 of this Article (the Telecommunications Ordinance).**

2. Sewage Treatment and Disposal and Water Purification

In addition to the general standards set forth in Section 8-102 above, all public utility sewage treatment, disposal and water purification administrative permit uses which will be privately owned or operated, which by size and user base are defined under Commonwealth of Virginia or Federal law as a public utility and which serve more than one lot shall satisfy the following standards:

- A. **The applicant shall execute and record among the land records of Fauquier County a document disclosing the properties which are to be served**

by the privately owned sewage treatment, disposal or water purification system. The disclosure shall identify the type of system serving the properties. The disclosure shall be in a form acceptable to the Director and shall be provided to the County prior to the issuance of the administrative permit.

- B. The applicant shall provide to the Director a copy of the system maintenance agreement which agreement shall be in a form and with a firm acceptable to the Director.**
- C. The applicant shall provide to the Director proof that the sewage treatment, disposal or water purification system has been approved by the Health Department or the Department of Environmental Quality as applicable.**
- D. The Director shall determine that Virginia Code Section 15.2-2232 approval in the form of a Planning Commission permit, if required, has been obtained for the proposed sewage treatment, disposal or water purification system.**
- E. The Director shall determine that the location, character and extent of the proposed sewage treatment, disposal or water purification system is consistent with the County's Master Water & Sewer Plan and the service district provisions of the County's Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance.**

8-121 Transportation

1. Standards for All Transportation Uses

- A. All maintenance, repair and mechanical work shall be performed in enclosed buildings, except in the I-2 District.**
- B. All areas for outdoor storage and all equipment, machinery and facilities not included within an enclosed building shall be effectively screened.**

- C. All facilities shall be located and designed so that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
- D. No area used by aircraft under its own power shall be located within a distance of 200 feet from any boundary line of the facility.

8-122 Interment uses

The following standards and regulations are applicable to the uses listed below and, for uses requiring a special exception or permit, are in addition to the general standards listed in Section 8-102 above.

1. Standards for All Interment Uses

- A. Interment uses include **burial and disposal** facilities for human and animal **remains**.
- B. All uses shall comply with applicable provisions of the Code of Virginia.
- C. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment be made in any facility for the disposal of the dead within 50 feet of a street line or 25 feet of a side or rear property line.

8-123 Standards For Approving An Increase In Building Heights

The BZA may approve a special permit for an increase in height above the maximum building height regulations specified in the Articles of this Ordinance relating to Zoning District regulations, if it determines that such an increase would not violate the general standards for special permits set forth in Section 8-102 above, and if an increase does not violate the regulations of the Airport Safety and Impact Overlay District as specified in Article 7. The following additional standard shall apply:

- A. The minimum yard requirements applicable to the structure shall be increased by two feet for every one foot of increase in height in excess of the maximum building height set forth for the zoning district.

8-124 Standards For Approving a Waiver of Lot Size, Width or Frontage Requirements in Industrial Parks and Shopping Centers

KEVIN TO RE-WRITE

~~The lot waiver provision is intended to give to shopping centers and industrial park developments the flexibility to allow individually owned lots within the development. The BZA may approve in the Commercial and Industrial Zoning Districts a special permit for the waiver (in whole or in part) of minimum lot size, minimum lot width and/or minimum street frontage requirements set forth in Articles 5 and 6 if it determines that a reduction in or waiver of such requirement(s) would not violate the general standards set forth in Section 8-102, above, or the following additional standards.~~

- ~~A. The modifications shall allow the creation of lots for at least three separate, independently owned businesses.~~
- ~~B. The modifications shall not require or allow additional entrances to public streets serving the shopping center or industrial park. New lots shall share common entrances to public streets with other uses in the shopping center or industrial park.~~
- ~~B. The deeds to the lots to be created by the proposed development shall contain provisions to ensure appropriate access to all such lots and maintenance of all elements to be held and/or used in common.~~

8-125 Standards For Reduction of Non Common Open Space Required

The percentage of the gross site area required as non-common open space may be reduced by the Board upon a determination that:

- 1. The required amount is not necessary in order to protect the scenic, natural or historic resources contained on the site, in which case the open space may be reduced to that amount necessary.**
- 2. The predominance of the character of the area, particularly adjacent parcels in large lot (10 to**

25 acres per lot) and the site resources determined in A above would require less than 25 acres of open space, in which case open space may be reduced to zero. If more than 25 acres of open space is required in A above then that amount shall be required unless it is determined that the location of the resultant lot layout is in conflict with adjacent uses because of lot size or use incompatibility.

8-126 Standards For Reduction of Common Open Space

In any zone, the percentage of the gross site area required as common open space may be reduced by the Board upon a determination that:

- 1. The required amount is not necessary in order to establish neighborhood open space for usable recreation space, accessibility, visibility and linkage with other established or planned subdivisions, adjacent open space, parks, schools or similar land uses.**
- 2. The area, particularly adjacent parcels, is developed predominantly as conventional subdivisions without open space and the required open space would result in an inconsistent pattern of development, in which case open space may be reduced to zero.**

8-127 Standards For Waiving Requirement For Type I Streets In the RA and RC Zones

In the RA and RC zones, the Board may grant a special exception to permit the construction of Type II or Type III private streets within a subdivision where the following standards are met:

- 1. Construction of a Type I street would be inconsistent with the pattern of development in the area, or would result in the degradation of environmental, historic or cultural resources.**
- 2. The proposed street (whether Type II or Type III) would adequately serve the lots to be developed and provide sufficient emergency**

vehicle access to the subdivision, and adequate provisions will be made for the continuing maintenance and repair of the streets.

8-128 Standards For Waiving Requirement For Public Sewer

In residential, RA and RC zones, the Board may grant a special exception to waive the requirement for public sewer where the following standards are met:

- 1. The development is located within in area in which Fauquier County Water and Sanitation Authority formally refuses in writing to extend sewer service or the applicant demonstrates to the Board that the provisions of public sewer is not technically or financially feasible in the area to be served, and**
- 2. Where the proposed subdivision lots are to be on individual septic fields, the applicant includes with the special exception application a soils report demonstrating that the development will not degrade ground water resources or impair any watershed, and that the proposed subdivision will meet all requirements of the Health Department and the Subdivision Ordinance for development on individual septic fields. The applicant shall provide sufficient data to demonstrate that the development will not jeopardize the safety of present or future water supplies and information regarding the topography, soil type and condition, surface and subsurface drainage condition, water table, history of failures of septic systems in adjacent area, and the extent of septic system development in the area, or**
- 3. Where the proposed subdivision lots are to served by a private central sewer system, the applicant has demonstrated that:**
 - A. The site characteristics are such that all necessary health department and other governmental approvals can be obtained.**

- B. The development will not degrade ground water resources or impair any watershed.**
- C. The applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, and that the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.**
- D. A special exception is obtained for the private treatment facility in accordance with Section 8-120.**

8-129 Standards For Waiving Requirement For Public Water System and Central Water System

The requirements for a public water system and central water system may be waived to permit construction on a private central water system or individual wells on individual lots where:

- 1. The Fauquier County Water and Sanitation Authority refuses in writing to operate the proposed system or the applicant demonstrates to the Board that the provision of a public or central water system is technically or economically infeasible.**
- 2. The applicant demonstrates that the proposed central water system or individual wells on individual lots will not damage the wells of adjoining parcels or interfere with future development of adjoining parcels. This demonstration will be based on the results of a hydrogeological report and testing as outlined in Chapter 18 of the Subdivision Ordinance.**
- 3. Where a private central water system is proposed, the applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, adequate provisions will be**

made to provide for the continued successful operation of the system, and the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.